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**PATENT**

Attorney Docket No.: 2003P06989US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>Applicants:</b> Faramarz Sahim et al. <b>Serial No.:</b> 10/755,065 <b>Filed:</b> January 9, 2004 <b>For:</b> CALL HAND-OVER IN A WIRELESS LOCAL AREA NETWORK <b>Group Art Unit:</b> 2688 <b>Examiner:</b> Erika A. Gary	<b><u>CERTIFICATE OF FACSIMILE TRANSMISSION</u></b> The undersigned hereby certifies that this document is being facsimile transmitted to the fax number and date given below. <b>Date Transmitted:</b> <u>May 1, 2008</u> <b>Facsimile Number:</b> <u>571-273-8300</u> <b>No. of Pages:</b> <u>Pet 1 + Notice 2 + Issue Fee Confirm 1 +</u> <u>Issue Fee Trans 1 = TOTAL 5 PAGES</u> <b>By:</b>  Jeanette L. Taplin
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**PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.181**

Mail Stop PETITIONS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants are in receipt of the Notice of Abandonment mailed April 22, 2008 (copy provided) which indicates the reason for abandonment to be the failure to pay the issue fee on time (due March 28, 2008).


Applicants are submitting herewith a copy of the Issue Fee Transmittal faxed on March 27, 2008 and its confirmation copy received the same day. In a careful review of the Issue Fee Transmittal, applicants are unable to determine the cause for non-receipt of the Issue Fee and hereby request the withdrawal of the Notice of Abandonment.

It is fees for revival are not due at this time. However, should the Commissioner disagree, please deduct any fees from, or credit any overpayment to, this deposit account at any time during the pendency of this application.

Date: 1 May 08

SIEMENS CORPORATION  
Customer Number: 28524  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, New Jersey 08830

Respectfully submitted,

By:   
David D. Chung, Reg. No. 38,409  
Direct Dial: 408-492-5336  
Dept. Fax: 408-492-3122

MAY 01 2008



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,065	01/09/2004	Faramarz Sahim	2003P06989 US	8137

EXAMINER	
GARY, ERIKA A	
ART UNIT	PAPER NUMBER
2817	
MAIL DATE	DELIVERY MODE
04/22/2008	PAPER

Elsa Keller  
Siemens Corporation  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, NJ 08830

## Notice of Abandonment

This application is abandoned in view of:

1. ☐ The applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission date \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113(a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of:
    - (1) a timely filed amendment which places the application in condition for allowance;
    - (2) a timely filed Notice of Appeal (with appeal fee);
    - (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box e below).
  - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission date \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_.  
The publication fee, if required by 37 CFR 1.18(d), is \$ \_\_\_\_\_.
  - (c) ☒ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawing have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

Petitions to revive under 37 CFR 1.137(a) or (b), or request to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch  
Office of Data Management

## Attachment to Notice of Abandonment

For questions concerning the notice contact

Office of Patent Publication

Image Assistance Center: 888-786-0101.

Information is also available on the USPTO Internet web site:  
<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>

**Respond to the Notice of Abandonment by one of the following:**

**1. Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required**

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing 37 CFR § 1.10 "Express Mail" mailing or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 571-273-8300

**2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required**

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 571-273-8300

**3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)**

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 571-273-8300

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment

Revised Sept. 2006

TO: Auto-reply fax to 408 492 22 COMPANY:

## Auto-Reply Facsimile Transmission

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1 (including cover page)

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Received  
Cover  
Page  
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Mar 27 08 03:00 Patent Department 408-492-3122 p.1

**PART B - FEES/TRANSMITTAL**  
Copyright and other data, together with applicable laws, for the use of the Office of the Patent and Trademark Office.

**OF FAX** (911)-273-2835

Customer Number: 328524

Siemens Corporation  
Intellectual Property Department  
170 Wood Avenue South  
Basking Ridge, NJ 07920

10/7/55/88 01/09/2004 Farinaz Sahin 2003PO688US B137

**TITLE OF INVENTION: CALL HAND-OVER IN A WIRELESS LOCAL AREA NETWORK**

APPL TYPE	EXAMINER	FILE PRICE	PUBLICATION FEE	PRINT AND MAIL FEE	OTHER FEE	DATE DUE
Nonprovisional	NO	\$1440	\$150	\$0	\$1740	03/25/2008

**GARY, ERIKA A** 2817 455-444000

**Siemens Communications, Inc.**  
Booth Station, FL

**David D. Sharma** 38,492

PTOL 48 2008 03/25/2008 03/25/2008

10/07/2003 10/13/2003 03/25/2008

PAGE 1/1 RECEIVED AT 5/1/2008 5:47:16 PM [Eastern Daylight Time] \* SVR:USPTO-EFAXRF-6/40 \* DNIS:2738300 \* CSID:408 492 3122 \* DURATION (mm-ss):01-46